



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Metropolitan Boston – Northeast Regional Office**

JANE SWIFT  
Governor

BOB DURAND  
Secretary

LAUREN A. LISS  
Commissioner

Mr. Michael A. Fitzgerald  
USGen New England, Inc. ("USGen-NE")  
Salem Harbor Station  
24 Fort Avenue  
Salem, MA 01970-5693

Dear Mr. Fitzgerald:

Enclosed please find the **Amended Emission Control Plan Draft Approval** for the USGen New England, Inc., Salem Harbor Station.

The Department has determined that your proposed pollution control techniques/strategies are acceptable means to achieve compliance with the pollutant emission limitations required by Regulation 310 CMR 7.29.

Therefore, based upon the information provided by USGen-NE in the amended ECP application, the Department proposes to approve the **Amended Emission Control Plan** via the enclosed **Draft Approval**, subject to public comment and a public hearing to be scheduled in January 2003.

Should you have any questions concerning this matter, please do not hesitate to contact Edward J. Braczyk at (978) 661-7645.

Very truly yours,

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Edward J. Braczyk  
Environmental Engineer

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James E. Belsky  
Permit Chief  
Bureau of Waste Prevention

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

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RE: **SALEM** – Metropolitan Boston /  
Northeast Region  
310 CMR 7.29 (6)(h)  
Power Plant Emission Standards  
Application No. MBR-01-729-001  
Transmittal No. W025160  
**AMENDED EMISSION CONTROL PLAN  
DRAFT APPROVAL**

Dear Mr. Fitzgerald:

The Metropolitan Boston / Northeast Region of the Department of Environmental Protection, Bureau of Waste Prevention, has reviewed USGen-NE's amended application submitted in accordance with 310 CMR 7.29 (6)(h), for approval of the Emission Control Plan (ECP) application dated June 14, 2002. This amended application has been submitted to describe how emission limitations and compliance schedules for the control of certain designated pollutants contained in 310 CMR 7.29, "Emission Standards for Power Plants," will be implemented for equipment and processes located at the USGen-NE - Salem Harbor Station (ORIS Code: 01626) facility ("the facility") at 24 Fort Avenue in Salem, Massachusetts. This application for approval of the ECP bears the signature of Michael A. Fitzgerald as the company contact responsible for compliance with 310 CMR 7.29.

Within the amended ECP application USGen-NE proposes to install a Selective Non-Catalytic Reduction (SNCR) unit for the control of NOx emissions from Unit 4, as needed, to achieve compliance with the facility-wide output-based NOx emission standards. In addition, USGen-NE proposes to implement an ash reduction process (ARP), which will process coal fly ash from Units 1, 2 and 3, in order to reduce the unburned carbon in the ash and permit the ash to be reused as a substitute for cement in the concrete manufacturing process.

USGen-NE's letter of April 18, 2002, indicates that the purpose of adding SNCR to Unit 4 is to provide the advantage of flexibility and reliability for the largest unit at the Salem Harbor Station. As such, the Department review indicates that the amended ECP application provides additional NOx control on Unit 4 for the purpose of facility flexibility and reliability in meeting the NOx emission reductions stipulated within 310 CMR 7.29.

On August 20, 2002, USGen-NE submitted a letter to the Department elaborating upon the environmental benefits of their amended ECP, particularly with respect to NOx emissions when compared to their original ECP submittal. In a letter dated December 12, 2002, USGen-NE has proposed additional NOx reduction strategies for the ozone season at Salem Harbor

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Station. One of the proposed NO<sub>x</sub> reduction strategies includes a NO<sub>x</sub> limit of 0.95 pounds of NO<sub>x</sub> per megawatt hour from Emission Units 1, 2 and 3 for the period of May 1 through September 30, the ozone season. These supplemental NO<sub>x</sub> emission limits are specifically included in Section 4 of this Amended Emission Control Plan Draft Approval.

## **LEGAL AUTHORITY**

The Department adopted 310 CMR 7.29 - a regulation to lower emissions of sulfur dioxide (SO<sub>2</sub>), carbon dioxide (CO<sub>2</sub>), and nitrogen oxides (NO<sub>x</sub>) from certain power plants, and to establish a framework for reductions in emissions of carbon monoxide (CO), mercury (Hg), and fine particulate matter (PM 2.5) - pursuant to the Massachusetts General Laws, Chapter 111, Sections 142 A-M.

Regulation 310 CMR 7.29 requires any person who owns, leases, operates or controls an affected facility to comply with 310 CMR 7.29 in its entirety. An affected facility means a facility which emitted greater than 500 tons of SO<sub>2</sub> and 500 tons of NO<sub>x</sub> during any of the calendar years 1997, 1998, or 1999, and which includes a unit which is a fossil fuel fired boiler or indirect heat exchanger that: (1) is regulated by 40 CFR Part 72 (the Federal Acid Rain Program); (2) serves a generator with a nameplate capacity of 100 megawatts (MW) or more; (3) was originally permitted prior to August 7, 1977; and (4) had not subsequently received a Plan Approval pursuant to 310 CMR 7.00: Appendix A or a Permit pursuant to the regulations for Prevention of Significant Deterioration, 40 CFR Part 52, prior to October 31, 1998.

The purpose of 310 CMR 7.29 is to control emissions of NO<sub>x</sub>, SO<sub>2</sub>, Hg, CO, CO<sub>2</sub>, and PM 2.5 (together, "pollutants") from affected electric generating facilities in Massachusetts. 310 CMR 7.29 accomplishes this by establishing maximum output-based emission rates for NO<sub>x</sub>, SO<sub>2</sub>, and CO<sub>2</sub>, and establishing a cap on CO<sub>2</sub> and Hg emissions from affected facilities.

Applicable requirements and limitations contained in 310 CMR 7.29 shall not supersede, relax or eliminate any more stringent conditions or requirements (e.g. emission limitation(s), testing, record keeping, reporting, or monitoring requirements) established by regulation or contained in a facility's previously issued source specific Plan Approval(s) or Emission Control Plan(s). The facility must amend its Operating Permit application to include the ECP Approval, once finalized.

Based upon the above, the Department has determined that the referenced ECP Application is administratively and technically complete and that the proposed modifications are in conformance with current air pollution control engineering practices and hereby issues this **Amended ECP Draft Approval** for the proposed modifications of your power plant unit(s), with the conditions listed below.

## 1. EQUIPMENT DESCRIPTION

The following emission units (Table 1) are subject to and regulated by this **Amended ECP Draft Approval**:

<b>Table 1*</b>				
EU #	DESCRIPTION OF EMISSION UNIT	EU DESIGN CAPACITY		POLLUTION CONTROL MEASURES (PCM) <sup>1</sup>
		(MMBTU/HR )	MW (NET)	
EU 1	Babcock & Wilcox Model No. RB103 Water Tube Boiler	954	84	Low NO <sub>x</sub> Burners
				Selective Catalytic Reduction
				Combustion Tuning and Controls
				Electrostatic Precipitators
				Management of Lower Sulfur Fuels
				Dry Flue Gas Desulfurization with Fabric Filter
				Ash Reduction Process
EU 2	Babcock & Wilcox Model No. RB103 Water Tube Boiler	966	81	Low NO <sub>x</sub> Burners
				Selective Catalytic Reduction
				Combustion Tuning and Controls
				Electrostatic Precipitators
				Management of Lower Sulfur Fuels
				Dry Flue Gas Desulfurization with Fabric Filter
				Ash Reduction Process
EU 3	Babcock & Wilcox Model No. RB284 Water Tube Boiler	1,696	150	Low NO <sub>x</sub> Burners with Overfire Air
				Selective Catalytic Reduction
				Combustion Tuning and Controls
				Electrostatic Precipitators
				Management of Lower Sulfur Fuels
				Dry Flue Gas Desulfurization with Fabric Filter
				Ash Reduction Process
EU 4	Riley Stoker Model No. 1SR Water Tube Boiler	4,800	440	Low NO <sub>x</sub> Burners
				Combustion Tuning and Controls
				Electrostatic Precipitators
				Management of Lower Sulfur Fuels
				Selective Non-Catalytic Reduction

### Table 1 Notes:

- Details of the Pollution Control Measures including alternatives under consideration are described in Sections E, F, and G of the application.

\* Legend to Abbreviated Terms within Table 1:

EU # = Emission Unit Number

MMBTU/HR = fuel heat input in million British Thermal Units per hour

MW (NET) = net electrical output in Megawatts

NO<sub>x</sub> = Nitrogen Oxides

## 2. APPLICABLE REQUIREMENTS

### A. EMISSION LIMITS AND RESTRICTIONS

USGen-NE shall comply with the emission limits/restrictions as contained in Table 2 below. The schedule for compliance with these emission limitations is contained in Table 6 of this **Amended ECP Draft Approval**.

Table 2 *				
EU #	RESTRICTION/ OPERATING PRACTICES	POLLUTANT	EMISSION LIMIT/STANDARD	APPLICABLE REGULATION AND/OR APPROVAL NUMBER
EU 1, EU 2, EU 3, EU 4	NA	NO <sub>x</sub>	Shall not exceed 1.5 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly.	310 CMR 7.29(5)(a)1.a.
			Shall not exceed 3.0 lbs/MWh calculated over any individual month.	310 CMR 7.29(5)(a)1.b.
		SO <sub>2</sub>	Shall not exceed 6.0 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly.	310 CMR 7.29(5)(a)2.a.
			Shall not exceed 3.0 lbs/MWh calculated over any 12 month period, recalculated monthly.	310 CMR 7.29(5)(a)2.b.i.
			Shall not exceed 6.0 lbs/MWh calculated over any individual month.	310 CMR 7.29(5)(a)2.b.ii.
		Hg	To be determined. <sup>1</sup>	310 CMR 7.29(5)(a)3.a. and b.
			Total annual mercury emissions from combustion of solid fuels in units subject to Part 72 located at an affected facility shall not exceed the average annual emissions calculated using the results of the stack tests required in 310 CMR 7.29(5)(a)3.d.ii..	310 CMR 7.29(5)(a)3.c.
		CO	Reserved. <sup>2</sup>	310 CMR 7.29(5)(a)4.
		CO <sub>2</sub>	Emissions of carbon dioxide from the affected facility in the calendar year, expressed in tons, from Part 72 units located at the affected facility shall not exceed historical actual emissions of 4,286,053 tons. <sup>3</sup>	310 CMR 7.29(5)(a)5.a.
			Shall not exceed 1800 lbs/MWh in the calendar year.	310 CMR 7.29(5)(a)5.b.
		PM 2.5	Reserved. <sup>2</sup>	310 CMR 7.29(5)(a)6.

**Table 2 Notes:**

1. On December 10, 2002, the Department released a report evaluating the technological and economic feasibility of controlling and eliminating emissions of mercury from the combustion of solid fossil fuel in Massachusetts in accordance with the Mercury Action Plan, dated August 27, 2001, of the Conference of New England Governors and Eastern Canadian Premiers. Within 6 months of completing the feasibility evaluation, the Department shall propose emission standards for mercury, with a proposed compliance date of October 1, 2006. USGen-NE shall comply with that mercury standard as per the Department's final regulation.
2. The Department has reserved this area in the regulations for further development
3. If the Department has received a technically complete Plan Approval application under 310 CMR 7.02 for a new or re-powered electric generating unit subject to 40 CFR Part 72 at an affected facility prior to May 11, 2001, then the emissions from the new or re-powered unit may be included in the calculation of historical actual emissions. The calculation of historical actual emissions which includes emissions from a new or re-powered unit shall not include emissions from any unit shutdown or removed from operation at the affected facility that is included in the technically complete Plan Approval application pursuant to 310 CMR 7.02. The Department is in the process of developing provisions for the quantification and certification of Greenhouse Gas (GHG) reductions for use in demonstrating compliance with the CO<sub>2</sub> emission limitations contained in 310 CMR 7.29. The Department will review and approve or deny proposals for off-site, sequestration, or non-contemporaneous reductions (i.e. early on-site reductions) of CO<sub>2</sub> or other GHG after adoption of amendments to 310 CMR 7.00: Appendix B, and other regulatory sections, if necessary.

\* Legend to Abbreviated Terms within Table 2:

EU# = Emission Unit Number  
lbs/MWh = pounds per Megawatt-hour of net electrical output  
NO<sub>x</sub> = Nitrogen Oxides  
SO<sub>2</sub> = Sulfur Dioxide  
Hg = Mercury  
CO = Carbon Monoxide  
CO<sub>2</sub> = Carbon Dioxide  
PM 2.5 = Fine Particulate Matter  
NA = not applicable

## B. COMPLIANCE DEMONSTRATION

The facility is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 3, 4 and 5 below and 310 CMR 7.29, as well as the applicable requirements contained in Table 2:

Table 3 *	
EU#	MONITORING/TESTING REQUIREMENTS
EU 1, EU 2, EU 3, EU 4	Actual emissions shall be monitored for individual units and monitored as a facility total for all units included in the calculation demonstrating compliance. Actual emissions shall be monitored in accordance with 40 CFR Part 75 for SO <sub>2</sub> , CO <sub>2</sub> , and NO <sub>x</sub> . The Department shall detail the monitoring methodology for Hg, CO, and PM 2.5 at the time regulations are promulgated by the Department for those parameters.  Monitor actual net electrical output, expressed in megawatt-hours. Actual net electrical output shall be provided for individual units and as a facility total for all units included in the calculation demonstrating compliance.
EU 1, EU 2, EU 3	In accordance with 310 CMR 7.29(5)(a)3.d.i., sample each shipment of coal at the time received and test the coal for chlorine and mercury content. Perform stack testing for mercury in accordance with 310 CMR 7.29(5)(a)3.d.ii..

\* Legend to Abbreviated Terms within Table 3:

EU# = Emission Unit Number  
 NO<sub>x</sub> = Nitrogen Oxides  
 SO<sub>2</sub> = Sulfur Dioxide  
 Hg = Mercury  
 CO = Carbon Monoxide  
 CO<sub>2</sub> = Carbon Dioxide  
 PM 2.5 = Fine Particulate Matter

Table 4 *	
EU#	RECORD KEEPING REQUIREMENTS
EU 1, EU 2, EU 3, EU 4	<p>Maintain a record of actual emissions for each regulated pollutant for each of the preceding 12 months. Actual emissions shall be recorded for individual units and as a facility total for all units included in the calculation demonstrating compliance. Actual emissions provided under this section shall be recorded in accordance with 40 CFR Part 75 for SO<sub>2</sub>, CO<sub>2</sub>, and NO<sub>x</sub>, and for Hg, CO, and PM 2.5 at the time regulations are promulgated by the Department for those parameters.</p> <p>Maintain a record of actual net electrical output for each of the preceding 12 months, expressed in megawatt-hours. Records of actual net electrical output shall be maintained for individual units and as a facility total for all units included in the calculation demonstrating compliance.</p> <p>Maintain a record of the resulting output-based emission rates for each of the preceding 12 months, and each of the 12 consecutive rolling month time periods, expressed in pounds per megawatt-hour. Output based emission rates shall be provided for individual emission units and as a facility total for all units included in the calculation demonstrating compliance.</p> <p>Keep all measurements, data, reports and other information required by 310 CMR 7.29 on-site for minimum of five years, or any other period consistent with the affected facility's Operating Permit.</p>
EU 1, EU 2, EU 3	Pursuant to 310 CMR 7.29(5)(a)3.d.i., maintain records of mercury and chlorine content of each shipment of coal as tested at the time received. Maintain records of each stack test for mercury as per 310 CMR 7.29(5)(a)3.d.ii..

\* Legend to Abbreviated Terms within Table 4:

EU# = Emission Unit Number  
 NO<sub>x</sub> = Nitrogen Oxides  
 SO<sub>2</sub> = Sulfur Dioxide  
 Hg = Mercury  
 CO = Carbon Monoxide  
 CO<sub>2</sub> = Carbon Dioxide  
 PM 2.5 = Fine Particulate Matter

Table 5 *	
EU#	REPORTING REQUIREMENTS
EU 1, EU 2, EU 3, EU 4	<p>By January 30 of the year following the earliest applicable compliance date for the affected facility under 310 CMR 7.29(6)(c), and January 30 of each calendar year thereafter, the company representative responsible for compliance shall submit a compliance report to the Department demonstrating the facility's compliance status with the emission standards contained in 310 CMR 7.29(5)(a) and in an approved Emission Control Plan. The report shall demonstrate the facility's compliance status with applicable monthly emission rates for each month of the previous calendar year, and each of the twelve previous consecutive 12-month periods. The compliance report shall include all statements listed in 310 CMR 7.29(7)(b)4. <sup>1</sup></p> <p>The Department may verify the facility's compliance status by whatever means necessary, including but not limited to requiring the affected facility to submit information on actual electrical output of company generating units provided by the <u>New England Independent System Operator (ISO), or any successor thereto.</u></p>
EU 1, EU 2, EU 3	In accordance with 310 CMR 7.29(5)(a)3.d.i., submit a report containing the mercury and chlorine content test results of each coal shipment received with the results of the next stack testing for mercury as required per 310 CMR 7.29(5)(a)3.d.ii..
FACILITY	Submit by January 15, April 15, July 15 and October 15 for the previous three months respectively, a 7.29 construction status report which identifies the construction activities which have occurred during the past three months, and those activities anticipated for the following three months, and progress toward achieving compliance with the implementation dates identified in Table 6 below.

**Table 5 Notes:**

1. If the ISO final settlement of actual electrical output is not available, the facility shall submit a compliance report based on provisional values of actual electrical output. Upon receiving certified ISO values of actual electrical output for all provisional months within the calendar year, the facility shall submit a revised compliance report within 30 days thereafter.

\* Legend to Abbreviated Terms within Table 5:

EU# = Emission Unit Number

### 3. COMPLIANCE SCHEDULE

The affected facility shall be in full compliance with the applicable requirements in accordance with the dates below:

<b>TABLE 6 *</b>		
<b>COMPLIANCE PATH</b>		
<b>POLLUTANT</b>	<b>STANDARD</b>	<b>DATE</b>
NO <sub>x</sub> SO <sub>2</sub>	310 CMR 7.29(5)(a)1.a. 310 CMR 7.29(5)(a)2.a.	October 1, 2006
NO <sub>x</sub> SO <sub>2</sub>	310 CMR 7.29(5)(a)1.b. 310 CMR 7.29(5)(a)2.b.	October 1, 2008
CO <sub>2</sub>	310 CMR 7.29(5)(a)5.a.	Calendar Year 2006
CO <sub>2</sub>	310 CMR 7.29(5)(a)5.b.	Calendar Year 2008
Hg	310 CMR 7.29(5)(a)3.c.	October 1, 2006 (Proposed)

The affected facility is subject to receiving a Plan Approval pursuant to 310 CMR 7.02 for the alterations/construction of the selective non-catalytic reduction (SNCR) NO<sub>x</sub> emission control system to serve Emission Unit 4 that will use urea as a raw material. The SNCR ammonia slip will result in an increase in potential emissions of ammonia from Emission Unit 4, and will result in an increase in ammonia ambient air impacts.

\* Legend to Abbreviated Terms within Table 6:

NO<sub>x</sub> = Nitrogen Oxides  
 SO<sub>2</sub> = Sulfur Dioxide  
 CO<sub>2</sub> = Carbon Dioxide  
 Hg = Mercury

#### **4. SPECIAL CONDITIONS FOR AMENDED ECP**

1. The Department may verify compliance of 310 CMR 7.29(5) by whatever means necessary, including but not limited to: inspection of a unit's operating records; requiring the facility to submit information on actual electrical output of company generating units provided to that person by the New England Independent System Operator, or any successor thereto; testing emission monitoring devices; and, requiring the facility to conduct emissions testing under the supervision of the Department.
2. The Department is not approving or denying any off-site or non-contemporaneous proposed CO<sub>2</sub> reduction measures at this time. 310 CMR 7.29(5)(a)5.c. and d. provide that compliance with the CO<sub>2</sub> emission limitations may be demonstrated by using offsite reductions or sequestration in addition to onsite reductions, as long as certain established conditions are met. However, while there is a provision for using early reductions of SO<sub>2</sub> to meet the SO<sub>2</sub> emissions limit in 310 CMR 7.29(5)(a)2.a., there is no similar regulatory provision for use of early reductions of CO<sub>2</sub> for compliance with 310 CMR 7.29(5)(a)5. The Department is in the process of developing provisions for the quantification and certification of Greenhouse Gas (GHG) reductions for use in demonstrating compliance with the CO<sub>2</sub> emission limitations contained in 310 CMR 7.29. The Department will review and approve or deny proposals for off-site, sequestration, or non-contemporaneous reductions (i.e. early on-site reductions) of CO<sub>2</sub> or other GHG after adoption of amendments to 310 CMR 7.00: Appendix B, and other regulatory sections, if necessary.
3. Beginning May 1, 2007, NO<sub>x</sub> emissions from Emission Units 1, 2 and 3 (measured either singularly or collectively) shall not exceed 0.95 lbs of NO<sub>x</sub> per megawatt hour (MWh), averaged over the ozone season (May 1 to September 30, a 5-month average).
4. Beginning with the 2007, 2008 and 2009 ozone seasons, NO<sub>x</sub> emissions from Emission Units 1, 2, 3 and 4 shall not exceed 1.35 lbs of NO<sub>x</sub> per megawatt hour (MWh), averaged over a rolling "3 year ozone season", specifically, 3 consecutive ozone seasons (May 1 to September 30, for a 3 year period – years 1 through 3, years 2 through 4, etc.)
5. Beginning October 1, 2006, NO<sub>x</sub> emissions rate from Emission Units 1, 2, 3 and 4 shall not exceed 1.5 lbs of NO<sub>x</sub> per megawatt hour (MWh), averaged over the non-ozone season (October 1 to April 30, a 7-month average).

#### **5. GENERAL CONDITIONS FOR AMENDED ECP**

1. The facility shall maintain continuous compliance at all times with the terms of this Amended ECP Draft Approval and the applicable emission rates in 310 CMR 7.29.
2. This Amended ECP Draft Approval may be suspended, modified, or revoked by the Department, if at any time the facility is violating any applicable Regulation(s) or condition(s) of this Amended ECP Draft Approval letter.
3. This Amended ECP Draft Approval consists of USGen-NE's application materials and this Draft ECP Approval letter. If conflicting information is found between these two documents, then the requirements of the Amended ECP Draft Approval letter shall take precedence over the documentation in the application materials.
4. Should a condition of air pollution occur as a result of the operation of these units, then the facility shall immediately take appropriate steps to abate said condition even though the facility is otherwise in compliance with this Amended ECP Draft Approval.

5. This Amended ECP Draft Approval does not negate the responsibility of the facility to comply with this or any other applicable federal, state, or local regulations now or in the future. Nor does this Amended ECP Draft Approval imply compliance with any other applicable federal, state, or local regulations now or in the future.
6. If provisions or requirements from any other regulation or permit conflict with a provision of 310 CMR 7.29, the more stringent of the provisions will apply unless otherwise determined by the Department in the affected facility's Operating Permit.
7. Failure to comply with any of the above stated provisions will constitute a violation of the "Regulations", and can result in the revocation of the Amended ECP Draft Approval granted herein.

## **6. MODIFICATION TO THE ECP**

Additional amendments may be proposed to this Amended Emission Control Draft Plan in accordance with 310 CMR 7.29 (6)(h), in the future, if necessary. If the Department proposes to approve such amendments, or approve such amendments with conditions, then the Department will publish a notice of public comment on the **AMENDED ECP DRAFT Approval**, in accordance with M.G.L. c. 30A. The Department will allow a 30-day public comment period following publication of the notice, and may hold a public hearing. Modifications to an affected facility's monitoring systems approved pursuant to the requirements of 40 CFR Part 72 are not subject to such public comment prior to approval.

## **7. MASSACHUSETTS ENVIRONMENTAL POLICY ACT**

The Department has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Environmental Affairs, for air quality control purposes, was not required prior to this action by the Department. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and Regulation 301 CMR 11.00 Section 11.04, provide certain "Fail Safe Provisions" which allow the Secretary to require the filing of an ENF and/or Environmental Impact Report at a later time.

## **8. APPEAL OF APPROVAL**

This Approval is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the Approval is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The Department may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Should you have questions concerning this matter or regarding the terms or conditions of this **Amended ECP Draft Approval**, please do not hesitate to contact Edward J. Braczyk in writing at 205A Lowell Street, Wilmington, MA 01887 or by telephone at (978) 661-7645.

Sincerely,

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Edward J. Braczyk  
Environmental Engineer

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James E. Belsky  
Regional Permit Chief  
Bureau of Waste Prevention

cc: Stanley J. Usovich, Jr., Mayor, City Hall, 93 Washington Street, Salem, MA 01970  
Fire Headquarters, 48 Lafayette Street, Salem, MA 01970  
Board of Health, 9 North Street, Salem, MA 01970  
Metropolitan Area Planning Council, 60 Temple Place, Boston, MA 02111  
USEPA - Region 1, Air Permitting Program: Steve Rapp, One Congress Street, Suite 1100 (CAP), Boston, MA 02114-2023  
Thomas Parks, DEP-NERO  
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